

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RICHARD HALL,

Plaintiff,

vs.

JAMES COX, et al.,

Defendants.

Case No. 2:14-cv-00460-RFB-CWH
REPORT & RECOMMENDATION

On April 11, 2016, Defendants Linda Adams, Romeo Aranas, David Fierro, Dwight Neven, and Cynthia Sablica's ("Defendants") filed a motion (ECF No. 51) seeking clarification from the court on whether Defendant Catherine Cortez-Masto was timely served and/or whether she was dismissed from this lawsuit. The court reviewed the docket and determined that when the court screened Plaintiff Richard Hall's complaint, the court dismissed the claim against Defendant Cortez-Masto with prejudice. (Order (ECF No. 3 at 8-9).) The court later granted Plaintiff leave to amend his complaint, and denied Defendants' request that the amended complaint be re-screened. (Order (ECF No. 34) at 3-5.) The amended complaint adds new claims against Defendant Cortez-Masto. (Am. Compl. (ECF No. 21) at 3, 18-21.) Defendants represented that at the time the amended complaint was filed, Defendant Cortez-Masto was no longer the incumbent Attorney General, having been replaced by current Attorney General Adam Laxalt. (Mot. Requesting Instruction (ECF No. 51) at 2.) Defendants' counsel further represented that the Attorney General's Office has not accepted service on behalf of Defendant Cortez-Masto. (*Id.*)

In light of the case's procedural posture, on June 29, 2016, the court entered an order under Federal Rule of Civil Procedure 4(m) requiring Plaintiff to file proof of service as to Defendant Catherine Cortez-Masto by August 1, 2016. (Order (ECF No. 63).) The order required that the

1 proof of service show that Defendant Cortez-Masto was served within 120 days of August 3, 2015,
2 which was the date that Plaintiff was granted leave to amend his complaint. (*Id.* at 2.)
3 Alternatively, the order stated that by August 1, 2016, Plaintiff could move to extend time to serve
4 Defendant Cortez-Masto. (*Id.*) The court advised Plaintiff that failure to follow the court's order
5 would result in a recommendation that Plaintiff's claims against Defendant Cortez-Masto be
6 dismissed without prejudice. (*Id.*)

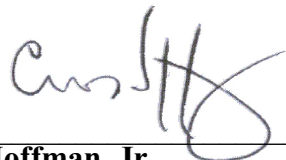
7 To date, Plaintiff has not filed proof of service as to Defendant Cortez-Masto, nor has he
8 moved to extend time to serve Defendant Cortez-Masto as required by the court's order. Given
9 Plaintiff's failure to comply with the court's order, the court recommends that Plaintiff's claims
10 against Defendant Cortez-Masto be dismissed without prejudice.

11 IT IS THEREFORE RECOMMENDED that Plaintiff Richard Hall's claims against
12 Defendant Catherine Corez-Masto be DISMISSED without prejudice.

13 **NOTICE**

14 This report and recommendation is submitted to the United States district judge assigned to
15 this case under 28 U.S.C. § 636(b)(1). A party who objects to this report and recommendation may
16 file a written objection supported by points and authorities within fourteen days of being served
17 with this report and recommendation. Local Rule IB 3-2(a). Failure to file a timely objection may
18 waive the right to appeal the district court's order. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir.
19 1991).

20 DATED: October 19, 2016

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23 **C.W. Hoffman, Jr.**
United States Magistrate Judge